BOMBAY ACT No. XVI OF 1955.[1]

[THE PROVINCIAL SMALL CAUSE COURTS (SUITS VALIDATION) ACT, 1955.]

[*14th April 1955*]

An Act to validate certain suits and proceedings in the Small Cause Court established under the Provincial Small Cause Courts Act, 1887.

WHEREAS it is necessary to validate certain suits and proceedings in certain Courts of Small Causes established in the State under the Provincial Small Cause Courts Act, 1887 ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

IX of 1887.

1. This Act may be called the Provincial Small Cause Courts (Suits Validation) Act, 1955. Short title.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*1*) " principal Act " means the Provincial Small Cause Courts Act, 1887, as amended in its application to the State of Bombay ;

IX of 1887.

(*2*) " Small Cause Court " means a Court of Small Causes established under the principal Act ;

(*3*) " special jurisdiction suit " means a suit of civil nature, the value of which exceeds Rs. 1,000 but does not exceed Rs. 2,000 ;

(*4*) " proceedings " includes proceedings in execution of decrees or orders passed in special jurisdiction suits or in applications for revision of the said decrees or orders.

3. (*1*) Notwithstanding anything contained in sub-section (*3*) of section 15 of the principal Act, all special jurisdiction suits the cognizance of which was taken after the commencement of the Provincial Small Cause Courts (Bombay Amendment) Act, 1950, but before the 25th day of February 1955 by the Small Cause Courts shall be deemed, and always to have been deemed, to be taken cognizance of, tried or disposed of, validly and notwithstanding the fact that on the date on which the cognizance of such suits was taken, no order was made by the State Government directing that such suits shall be taken cognizance of by such Courts. All proceedings held, and judgments, decrees or orders passed, in such suits shall not be deemed to be invalid only on the ground that on the said date the State Government had not made such order. Validation of certain suits, proceedings, etc.

Bom. LVII of 1950.

(*2*) Nothing contained in sub-section (*1*) shall affect any judgment, decree or order declaring before the 25th day of February 1955 that such Courts were incompetent to take cognizance of such suits.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, p. 78.